

Call to Order:

The meeting was called to order at 7:31 p.m. Present were Chair Zach Bergeron, members Vincent Chiozzi, Jay Doherty, Joan Duff, Ann Knowles and Associate Member Steve Pouliot; also present was Paul Materazzo, Director of Planning and Lisa Schwarz Senior Planner.

Park Master Plan:

Ms. Schwarz reviewed all meetings that have been held on the scope of work for the Park Master Plan. She stated that from those meeting she has created a matrix of recommendations with a level of complexity added to each recommendation. This is a plan that will be formulated with heavy public participation, and all correspondence sent to the Planning Board and staff is part of the public record.

Ms. Schwarz reviewed the changes that were made to the draft plan since the last meeting from comments received from Town Staff, the Patriotic Holiday Committee, abutters and residents. The implementation plan has been put into a grid and different Town departments would work on parts of the implementation. Municipal Services would be very involved. Mr. Bergeron asked if the level of complexity listed was Ms. Schwarz's best guess. Ms. Schwarz stated that he was correct, and for example the implementation of any tree maintenance program should be easier as there is a Superintendent of Parks and Grounds to implement the Plan. Ms. Knowles asked if once this is approved if the Town would be bound to follow it. Ms. Schwarz stated that it will give the Selectmen better guidance. Ms. Schwarz pointed out the revised summary of goals and stated that once the Board is comfortable with the plan it can be handed over to the Selectmen for implementation.

Mr. Doherty stated that he felt the plan looked great and he asked what the next step would be. Ms. Schwarz informed the Board that the plan would be revised again based on comments received tonight and then brought back to the Board in January for adoption. Then it would be given to the Selectmen. Mr. Bergeron asked if future improvements would come before the Planning Board or the Selectmen. Ms. Schwarz stated that the process may include forming a committee of residents, Patriotic Holiday Committee members and a representative from both the Planning Board and Board of Selectmen. If money can be raised, certain changes can be made easily but otherwise they will have to go to the Selectmen.

Fred McCormack of 4 Whittier Court stated he was concerned because he saw on page 6 of the draft that a group wanted to obtain the houses on Whittier Court. Ms. Schwarz stated that page 6 was a recap of a design charrette that was held, and a group that was putting all ideas forward felt that if any of those homes ever were for sale, the Town should be interested in purchasing them. That is not part of the recommendations. Mr. Bergeron assured him that the plan would not involve forcing residents out of their homes.

Mike Burke of 195 River Road asked for an explanation of uniting the memorials from page 24. Mr. Bergeron stated that the intention is to provide a walking path between them, not to move any of the memorials. Mr. Burke asked if they could clarify in the plan that no memorials will be moved. Ms. Schwarz stated that uniting the memorials will create better accessibility and an educational opportunity. She added that if there is a new memorial added there should be a plan as to how to unite all of them. Mr. Burke stated that they are concerned about removing the

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canon which is a memorial war trophy. Ms. Schwarz stated that there is nothing in the plan about removing the canon, and implementing this plan would result in more of a public process before anything is removed from the Park. Ms. Knowles suggested that a change in wording to say "existing memorials." Mr. Bergeron reiterated that this process will always include public involvement. Ms. Schwarz added that wordsmithing is very important throughout the process.

Don Robb of 36 York Street stated that he is a member of the Historical Society and they would welcome the opportunity to create informational plaques for a walking history of the Park.

Ronna Markell of 60 Chestnut Street stated that once the Youth Center opens the area will change. She suggested that no big decisions be made until after the Youth Center opens. She added a list of groups that meet in The Park should be collected to make sure that nothing conflicts. For example road events and activities other than passive recreation.

Ms. Schwarz stated that page 10 of the draft discusses an area that has 10 or 12 crab trees with shrubs to represent Rogers Brook. The area is now overgrown and the shrubs form a wall. This area has no historic significance and could be refurbished. The bridge is a neat feature and people do not know why it is there.

George Walsh of 28 Essex Street informed the Board that Cal Deyermond has written a great history of the canon that has been published, and suggested that they read it.

Cal Perry of 25 Timothy Drive stated that he supports a play area in the Playstead. He felt that the SWOT analysis should include more memorials in the Park as an opportunity, and a weakness would be a play area in the southeast corner of the Park because there is too much traffic there. A threat is the cost to make any of these changes and to degrade the existing memorials.

Susan Lindholm of 44 Chestnut Street stated that the crab apple trees are part of the twinning agreement. She went by the West Parish play area after the last meeting and saw that it is fenced off and enclosed. She feels a better place for a play area would be the small area in between the Town Offices and the auditorium, or near the library.

Rich Guilmette of 99 North Street asked how you explain to a child the difference between a memorial and a play area. Mr. Bergeron noted that this is an opportunity for parents to educate their children on the different memorials. Ms. Duff added that it is an opportunity to educate children about respect for veterans. Mr. Guilmette noted that Boston has the Freedom Trail with no playground on it. Ms. Schwarz noted that there is not a recommendation for a playground for the Park. Mr. Bergeron added that you will not see a playground with a slide and swings in the park.

Ted Witman of 195 Haggetts Pond Road noted that the plan says people are interested in a designated play area for the Park on two different pages. Ms. Schwarz explained the process from the beginning of how this plan came together. The first part of the document is an accounting or the minutes of all of the meetings that have been held. The goals start on Page 8

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of the Plan. Page 9 is details of issues in the area and recommendations on how to handle those issues. A history of the Park is compiled in the Plan as well as an inventory of the trees in the Park. The last part of the plan is an implementation plan.

Ted Witman of 195 Haggetts Pond Road stated that an issue in the plan is that there is lack of a designated play area, however children can play anywhere in the Park. Ms. Schwarz stated that there are people who would like to focus their children on a something else in the Park, such as the bridge, so that they are not climbing on the canon or running up the bandstand.

George Walsh of 28 Essex Street stated that when he was growing up there was a Civil War Memorial with two canons outside the library. During WWII that were sold for scrap metal and replaced them with polar bears. He is concerned that the cannon could go just like that.

Willow Cheeley of 15 Burnham Road thanked everyone for their effort in putting this plan together. She added that the Park is for everyone.

Mike Burke of 195 River Road, the Director of Veteran's Services invited all in attendance to stop by his office to pick up a walking tour brochure of the Park. He added that this brochure is also on the Town's website and available at the library. He added that on Memorial Day every year they tell the story of the 85 Andover residents who have made the ultimate sacrifice for their country.

Susan Lindholm of 44 Chestnut Street stated that a lot of people came out tonight to express concern about a play area in the Park. She asked how the plan will change based on that feedback, because the plan right now is not a true representation. Susan Stott of 30 Pasho Street stated that she would have loved to have had a small play area to bring her grandchildren when they were young. The canon is a magnet and a safety hazard for a 4 year old. There are people here in favor of a small play area. Ms. Duff stated that the Town does have a mix of people who are looking for a small play area that have come to many of these meetings.

Cal Deyermond of 2 Tanglewood Way South stated that he is the Chair of the Patriotic Holiday Committee and his brother is on the Vietnam Memorial. He feels that the Park is a place for quiet contemplation, and added that he played on the cannon as a child.

Carolyn Popescu-Pretor of 40 Chestnut Street stated that her son has played on the canon and has played hide and seek and also has run up and down the bandstand stairs. She really enjoys the pop-up like structures on the Park such as the skating rink. Pop-ups are very popular in Europe and she encourages the Town to look into those type of activities.

The Board agreed to continue the discussion to Tuesday, January 27th at 7:30PM.

It should be noted that after the discussion on the Park Ms. Duff Left the meeting and did not return.

254 Lowell Street:

Mr. Bergeron opened the continued public hearing on an application submitted by National Development Acquisitions, LLC for a Special Permit for Elderly Housing for a proposed development at 254 Lowell Street at the former Strawberry Hill Farm.

Mr. Materazzo stated that the applicant has provided updated information and plans. He added that the peer drainage consultant is present to answer any questions.

Ted Tye of National Development stated that the affordability aspect of the project will be changing. The original proposal was for the Andover Senior Residences to be 100% affordable with no affordability in the Bridges. They are now offering something that more closely meets the Bylaw and addresses comments that were made. The revised proposal is for affordability in each building with a tiering of affordability. They are requesting that the Board reduce the requirement from 15% to 10% in each building. The Bridges will have 6 affordable units, 1 unit at low income, 3 at moderate income and 2 at upper moderate income based on HUD income limits. Residents at the Bridges must qualify for both income and memory care support services. If an affordable unit is not leased within 120 days it can be rented to the next highest tier to market rate. The next qualified resident would be able to rent the next available room. The occupancy would be adjusted based on the HUD adjustments. Mr. Materazzo asked if affordability in memory care is an anomaly and Mr. Tye stated that affordability in memory care is very unusual.

Mr. Doherty asked what happens if this model doesn't work and they need to charge residents the full market rate or close their doors. Mr. Tye stated that they work hard with families to make sure residents can stay. They are using this model so that the Bridges can take care of its own affordability. Mr. Chiozzi asked how this fit with Medicaid. Mr. Tye stated that Medicaid would not typically apply here. Mr. Tye noted that a large percentage of support goes to the residents so that have little need for other income. Mr. Chiozzi stated that Medicaid would not own units and Mr. Tye stated that he was correct. Ms. Knowles asked if the occupancy cost is their profit. Mr. Tye stated that they would be subsidizing the occupancy cost. Mr. Bergeron asked what the Bylaw states in regards to the 10% being in the Board's discretion. Mr. Tye stated that the Bylaw states that the Board can agree to no less than 10%. Mr. Chiozzi asked if they could provide financial data so that the Board can consider the 10%. Mr. Tye stated that he could and reminded the Board that the Andover Senior Residences would still be 100% affordable. Mr. Pouliot questioned if the Andover Senior Residences would even be built if the Bridges is allowed to have 10% affordability. Mr. Tye stated that the Andover Senior Residences would still happen and that it would now be open to higher income levels.

Mr. Tye stated that in the Zoning Bylaw the purpose of the Watershed Protection Overlay District is to preserve and protect surface and ground water resources in the Fish Brook/Haggetts Pond Watershed Protection Overlay District for the health, safety and welfare of its people and to protect the community from the detrimental use and development of land and waters within the WPOD. Mr. Tye stated that post development, cleaner water will be infiltrated into the ground and municipal systems which accomplishes both goals. He added that the Conservation Commission agent walked the property and confirmed that there are no wetlands on the property.

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Mr. Tye reviewed the special permit criteria and how the project meets the criteria set forth in the zoning bylaw. The application meets the socio-economic needs of the community as it is in line with the 2012 Master Plan that identifies a need for affordable housing for the elderly. The use is the lowest traffic generator you will find and they will be providing adequate onsite parking and loading for the use. The project will have minimal impact on Town services and will be paying taxes, which is a net fiscal gain for the Town. The area is a residential zone and this is a residential use. The neighborhood is a mix of residences, churches, businesses and the IRS. In regards to impacts on the environment, the project will include a fully engineered drainage system and the addition of 280 trees. Mr. Tye added that Janet Bernardo the stormwater peer reviewer has stated that the project is in compliance with all state and Town regulations.

Mr. Doherty stated that he is struggling with Phase II of the project as it is a 3 story building in people's backyards. Mr. Tye stated that the Zoning Bylaw sets height and density regulations all of which are being met. The building is designed to be residential in nature and the height is not any different from a single family home. Mr. Doherty asked if a 9 house subdivision could have houses that were 35 ft and he was told he was correct.

Mr. Pouliot stated that he is not convinced that that this is an appropriate project for this area. There is a need for elderly housing but he is not sure there is a need for memory care. Mr. Materazzo reminded the Board that they are looking at this as one project and how they feel about it can be taken up in deliberations. He added that as of today the Department of Municipal Services has confirmed that there are no outstanding engineering items.

Janet Bernardo of the Horsley Witten Group, the stormwater peer reviewer, stated that she has met with the project's engineers a number of times about discrepancies. The Town Engineer also had similar concerns as the peer reviewer. Ms. Bernardo stated that in the Stormwater Handbook Standard 6 talks about critical areas and distributing to a Zone A. The requirements state that there cannot be a new or increased discharge. There is an existing discharge, and this discharge will be an improvement over the current discharge, so Standard 6 is satisfied and it is no longer a prohibited discharge. In regards to the disturbance of a slope over 10 ft, the intention of the regulation is to not disturb a natural slope. The slope on site has already been disturbed and it is not a natural condition, so this project meets the regulation. The regulation to not disturb a water course or wetland resource area does not apply because there are no wetlands that are being disturbed. There are no flagged wetlands or streams on the property. All earth removal activity has to do with putting in utilities and a roadway which are a permitted use. A mounding analysis has been performed in regards to breakout from the infiltration system. The more formal response shows that directly underneath the system there is mounding of groundwater that comes up two feet. As it crosses the street it stays with the groundwater elevation. The drainage system will not eliminate current water problems but it will not make them worse. Ms. Bernardo reiterated that there were many meetings held that discussed the intentions of these regulations. She added that it will be great to get pretreated water back into the water table.

Mr. Materazzo passed out two maps, one showing all SRA and SRB zoned properties over 5 acres in Town where an elderly housing development is allowed by special permit, and the other

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a map of the uses within a 1 mile radius of this property. Ms. Knowles asked if there is any reason there couldn't be multiple buildings on the property. Mr. Materazzo stated that there is not, and Town Meeting in 1997 set these regulations. Ms. Knowles asked if the regulations would apply regardless of ownership. Mr. Materazzo stated that she was correct.

Chet Lyons of 10 Wild Rose Drive stated that since there are two owners there should be two permits. Each is a separate project that should each require 5 acres of land. The concession to convey affordability to both sides further shows that they are separate projects. This project is within a couple percent of the maximum density allowed. The enormous buildings are going to be huge over the abutting single family ranch style homes and out of character with the neighborhood. Mr. Lyons stated that he is speaking for a group that signed a petition and they disagree with the peer reviewer's findings. They stand behind their neighbor Anthony Zuena's reviews and comments from neighbor Heather Lauten who is a real estate attorney. He would like to see a response to all of their comments. He also requested the opportunity to make a formal 20 minute presentation before the Board before they make their decision.

Mr. Doherty asked why it is one application. Mr. Tye stated that it is a condominium structure. Each group will own one unit of the senior campus. Mr. Materazzo noted that there is nothing in the Bylaw that prohibits this type of application. Robert Fishman of Nutter McClennon & Fish, an attorney representing National Development stated that zoning laws regulate use, not ownership. Mark Johnson of Johnson & Borenstein, an attorney representing National Development added that the Inspector of Buildings has stated that both buildings have the same use.

Jerry Crowley of 2 Cricket Circle stated that he doesn't feel anything has been addressed or answered by the developer. If the same owner owned two pieces of property less than 50 ft apart you wouldn't let them do this. If the memory care unit isn't rented for 120 days you move up in rental bracket, so what happens in the next 20 days. Mr. Bergeron informed Mr. Crowley that the process they are proposing is the process for all affordable units in Town. Mr. Crowley stated that the maps Mr. Materazzo showed are a way to approve the project. The map that shows a mile radius includes Raytheon, and Raytheon is not part of the neighborhood.

Regina Kelly of 4 Bateson Drive stated that she doesn't understand the definition of congregate care and asked if it could be defined in layman's terms. Mr. Bergeron stated that the Inspector of Buildings has given the definition and Town Counsel has confirmed the definition. Ms. Knowles added that the definition is in the Zoning Bylaw which the Planning Board is bound by. Ms. Kelly asked for the definition. Mr. Materazzo gave the definition from the Zoning Bylaw and added that the Town does not follow the state's definition. Mr. Bergeron added that Bylaws are hard to understand and it is the job of the Inspector of Buildings to interpret them. Ms. Kelly asked if the Board questioned it. Mr. Doherty stated that the Board did question it and they have had many meetings on it. He added that the Board asked Town Counsel if he can defend it. Ms. Kelly stated that she is frustrated that they pay Town Counsel and he will not do what they ask of him. It is her understanding that the services to be provided are very minimal and when a resident needs more care they are asked to leave. Mr. Bergeron stated that the development does not have to meet and satisfy all needs of all people, but it will have a blend of offerings. Mr.

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Materazzo added that the applicant has provided a detailed response to the use. Ms. Kelley stated that she called one of the developer's other properties and it would not be able to serve her own relative with memory care issues. A lot of the services sound like they will not be met.

Dr. Suetta Tenney of 17 Bateson Drive stated that she appreciates the changes in affordability. Marland Place has a memory impaired unit with below market rates, and it is very rare that for profit facilities have affordable units, but not at nonprofit facilities. She added that the neighborhood defining line is at Lovejoy and Greenwood Roads, and as soon as you go through the traffic light it is residential with no street lighting. The addition of lighting will change the neighborhood. Mr. Materazzo stated that Marland Place has affordable units for assisted living, but not for memory care. Dr. Tenney informed Mr. Materazzo that he was incorrect. Mr. Materazzo stated that he called Marland Place a couple of weeks ago and they told him that they did not have affordable memory care units.

Jerry Crowley of 2 Cricket Circle asked what congregate services are offered at the Andover Senior Residences. He noted that the Inspector of Buildings is a very powerful man in Town but he never came to any of these meetings. Mr. Tye noted that congregate care services were discussed at a September meeting.

Fr. Peter Gori of 43 Essex Street, St. Augustine Parish, stated that there is a need and this is necessary for the community. For the elderly, the first step is giving up independence, then assisted living, memory care and then a nursing home. The developers are trying to respond to people's concerns, and change is difficult. One demographic not mentioned is the sandwich generation which is the generation of middle aged people now taking care of their parents as well as their own children. A lot of times people with children have to relocate their whole family to where their elderly parents are. Fr. Gori stated that he is attracted to servicing extended families.

Liz Hoar of 6 Wild Rose Drive questioned the congregate care services, as the development will not have staff or a van. She stated that it is an apartment building. Susan Gittelman of B'nai B'rith stated that the building will offer case management, activities, wellness programming, doctor visits, blood pressure screening, social activities, trips to museums, cultural activities and bowling leagues. Steve Weisner of 6 Cricket Circle asked how residents would get to the center of Town. Ms. Gittelman stated that it depends; sometimes they subsidize programs with local senior centers. Right now they are having conversations with service providers. Mr. Weisner asked if they have provided vans in the past. Ms. Gittelman stated that they have not and they are working with the Senior Center. Mr. Materazzo added that the Zoning Bylaw requires transportation to be provided and the Board has received letters of support from the MVRTA.

Maureen Weisner of 6 Cricket Circle asked why they need 140 parking spaces, and if they were employee or resident parking spots. She added that staff members will be coming in and out and there will be a different perspective on the neighborhood. The developer has offered lots of contingent kinds of responses which is a slippery slope. Mr. Bergeron stated that parking was discussed at a prior meeting. This will be a 24 hours facility and a traffic study has taken place. Ms. Weisner stated that she had a relative at Marland Place and it experiences a significant amount of ambulance visits. There will be headlights of 140 cars exiting and there are school

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age children who walk Lowell Street. Mr. Doherty stated that they are all in agreement that it is a high traffic area.

Judy Trerotola of 6 Rogers Brook East stated that she is speaking in support of the project. It is time that Andover stands up for its seniors. Affordable housing is a critical crisis of this era. Surrounding towns have done a better job of meeting the needs of seniors. One-third of those 85 and older have Alzheimer's or dementia. Adult children who reside in Andover deserve affordable, high quality facilities.

Ms. Knowles asked if the Council on Aging has taken a position on the affordability. Don Robb of 36 York Street, Chairman of the Council on Aging stated that they have not taken a position, but they can if the Planning Board would like them to. He added that the real need is increasing affordable elderly care as the need will only increase in the future.

Heather Lauten of 243 Lowell Street stated that all of her concerns remain. She added that she has not had the opportunity to read the materials submitted by the developer in the last few days, and reiterated Mr. Lyons's request to look at the new material submitted and to give a presentation or response to the Board. In regards to safety, she lives across the street, the driveway will be almost directly across from her home and her children have to cross the street for the bus. There are already a traffic and safety problems that will be hugely exacerbated. Ms. Knowles asked if there is a cross walk at the site. Mr. Materazzo stated that there is not currently and they can work with public safety on a crosswalk.

Cal Deyermund of 2 Tanglewood Way South stated that he is Chairman of the Andover Housing Authority. The Housing Authority is bursting at the seams right now and there is a huge need for affordable elderly housing. He added that many people are coming here from out of Town to be closer to their children.

Connie Donahue stated that she is a former Andover resident and the Deputy Director of the Chelmsford Housing Authority. Her father passed in his home in Andover, but her mother had a progressive memory disease and could not stay in her home. At the time that her mother needed care, the only place that was available was out of Town, so her mother's friends could not easily visit. This is a graying community and to have a place in your own Town to go to is important. Regina Kelly of 4 Bateson Drive stated that if someone sells their house, they will have money and will not qualify for the affordability. Ms. Donahue noted that some do not own their home outright.

Charlie Kendrick of 8 Forbes Lane stated that if you can address the concerns originally stated by the neighborhood, the goals of providing professionally run affordable housing can be provided with the least amount of adjustment. The design and landscaping can be modified, and the list of things that still need to be done is not that far away. This can be a facility that the neighborhood can be proud of.

On a motion by Ms. Knowles seconded by Mr. Doherty the board continued the public hearing on 254 Lowell Street to December 16, 2014 at 7:30 p.m. **Vote:** Unanimous (5-0).

327-329 Lowell Street:

The Board began their deliberations on 327-329 Lowell Street, a Modification to a Special Permit for Major Non-Residential Project and a Modification to a Special Permit for Watershed Protection Overlay District.

Mr. Materazzo stated that the first 18 draft conditions are straight forward. The Board was concerned with how they could control the traffic light situation. Condition 18 states that prior to occupancy of Tower II the signalization has to be complete. Condition 19 states that if construction of the light is not complete, prior to occupancy at a minimum the construction should have commenced. Condition 20 states that if a traffic detail is needed in the interim, the Lupoli Companies will contribute to a traffic officer if they are occupying the facility. Condition 20 requires membership in the Transportation Management Association which helps to circulate carpools and other forms of transportation. Mr. Materazzo noted that Mr. Chiozzi suggested a cash contribution to the corridor study. At the time the light was being contemplated the amount was \$25,000.00. Mr. Chiozzi added that someone else is paying for the traffic signal with probably costs around \$50,000.00. This gives the Town some money to study the corridor and it will help everyone. He would like to see a connection between this signal and the signal at Lovejoy. During construction of the signal, traffic control will be required, and maybe the cost of a traffic officer can be split 3 ways.

Ms. Knowles asked if \$25,000 would be adequate to get something going. Mr. Materazzo stated that the Town already has \$150,000 to get the corridor study started. Mr. Chiozzi added that \$25,000 makes sense because the addition is the exact same size as the original building. Mr. Doherty asked if the parking requirements have been satisfied and Mr. Materazzo stated that they have been satisfied.

Mr. Materazzo noted that based on Mr. Chiozzi suggestions, amendment should be made to Condition 21 in the memo to the Board and a new condition, Condition 29 should be added. Condition 21 would be amended to delete the first sentence and Condition 29 will be the condition in Mr. Materazzo's memo that was listed as another condition for the Board's consideration.

On a motion by Mr. Chiozzi seconded by Mr. Doherty the Board recommended approval of the Modification to a Special Permit for Major Non-Residential Project and Modification to a Special Permit for Watershed Protection Overlay District for 327-329 Lowell Street in accordance with Paul Materazzo's December 4, 2014 memorandum with condition No. 21 being amended per Vincent Chiozzi's memo dated December 9, 2014 and adding a new Condition 29 dated December 9, 2014, 10:30 p.m. **Vote:** Unanimous (5-0).

Adjournment: The meeting was adjourned at 10:33 p.m.